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(UCT-0064)

REMARKS

Claim Amendments

Claim 5 has been amended to clarify that the recited property is associated with the polycyclooctene before crosslinking. Support for this amendment may be found in Provisional Application Serial No., 60/419,506, page 9, first full paragraph.

Elections/Restrictions

Applicants acknowledge that the restriction requirement has been made final. 1/13/06 Office Action, page 2, paragraph no. 1. Accordingly, claims 14, 16, 17-20, and 25-31 have been canceled without prejudice.

Claim Rejection Under 35 U.S.C. § 103(a) Over (Grubbs or Tsunogae) + Shadduck + (Dragutan or Demonceau or Sato)

Claims 1-13, 15, and 22-24 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 5,728,785 to Grubbs et al. ("Grubbs") or U.S. Patent No. 6,713,154 to Tsunogae et al. ("Tsunogae") in view of U.S. Patent Application Publication No. US 2003/0147046 A1 to Shadduck ("Shadduck") and Dragutan et al., *Polymer Preprints* 2001, 42(2), 363-364 ("Dragutan") or Demonceau et al., *J. Mol. Catal.* 1992, 76 123-132 ("Demonceau") or Sato et al., *J. Macromol. Sci.-Chem.* 1977, A11(4), 767-778 ("Sato"). 1/13/06 Office Action, page 3, paragraph no. 4. Applicants respectfully traverse this rejection.

Applicants respectfully assert that the rejection is improper because Shadduck is not available as a reference for the purpose for which it is cited. As detailed in the Table below, all of Applicants' rejected claims are supported by their Provisional Application Serial No. 60/419,506 filed October 18, 2002 (see, e.g., page 4, first paragraph).

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Table

Claim No.	Support in Ser. No. 60/419,506
1	page 2, first paragraph
2	claim 3
3	page 7, last paragraph
4	page 8, first line
5	page 9, Table 1
6	page 9, full paragraph and Table 1
7	page 11, Table 2
8	page 11, Table 2
9	page 11, Table 2
10	page 11, Table 2
11	page 13, Table 3
12	page 16
13	page 16
15	page 16
22	page 5, subparagraphs a-e
23	page 5, subparagraph g
24	page 5, subparagraph m

Given the structure of the rejection, Shadduck is a required reference. Shadduck was published August 7, 2003 from an application filed February 6, 2003 (i.e., after the October 18, 2002 filing date of Applicants' provisional application). Shadduck claims priority to six provisional applications, five of which were filed before October 18, 2002. None of these five provisional applications discloses the subject matter of Shadduck relied on in the rejection: the utility of crosslinked polycyclooctene as a shape memory polymer. There is therefore no subsection of 35 U.S.C. § 102 under which Shadduck is available as a reference for the purpose for which it is cited against the rejected claims. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 1-13, 15, and 22-24 under 35 U.S.C. § 103(a) over Grubbs or Tsunogae in view of Shadduck and Dragutan or Demonceau or Sato.

New Claims

Claim 32 has been added to further claim the invention. Support for the limitation, "wherein the polycyclooctene has a trans double bond content of about 68 to

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about 81%." may be found on page 9, Table 1 of Provisional Application Serial No. 60/419,506.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,

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